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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,320	09/25/2001	Travis J. Parry	10012123-1	1323

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,320

Applicant(s)

PARRY, TRAVIS J.

Examiner

Wayne Amsbury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS 1-7 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 3/15/04 have been fully considered but they are not persuasive.

Applicant argues: *"None of the references teach, disclose or suggest a system or method for detecting the source of an information request and for routing the request to a database based on the source detected."* (It is noted that claims 8-11 are canceled by the amendment of 3/15/04. Only claims 1-7 are pending, and they are rejected on the basis of Herz alone.)

Herz matches user profiles with target data *profiles*, which in turn point to a variety of databases that contain the target *data*. The interdependence of the request source and the data returned is a theme tightly interwoven throughout Herz [SOLUTION, COL 4-8]. Note in particular FIG 14-16, where at **1402** a service provider is selected; at **1602** a specific information server is selected. The use of target data that may range from news articles to mammograms clearly teaches the use of distinct databases for target data. Furthermore the users are formed into communities [COL 8 lines 22-47].

Applicant fails to claim a distinction between: (a) connecting a source request to a target based on attributes of the source, and (b) directing identical requests to distinct targets depending on the source of the request. Even that distinction is an expected component of directing requests to targets based on user profiles. Example: a doctor interested in a given form of breast cancer might wish to see mammograms, a patient probably would be interested in text, and these can be expected to be in distinct databases.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Herz, US 6,029,195, 22 February 2000.

This maintains the rejection of the previous action.

Herz is directed to identification of desirable objects via either the Internet or an intranet [ABSTRACT; FIG 1; COL 31 lines 13-21 and elsewhere].

As to **claim 7**, to the extent that claim 7 is not clearly anticipated by Herz, Herz repeatedly refers to multiple users of the system who search for target information from multiple sources [FIG 1; COL 5 lines 6-20 and elsewhere].

In more detail: The multiple users of Herz correspond to multiple sources (each user in FIG 1 inherently represents a search engine such as a browser at terminal Ti), the multiple targets correspond to multiple databases, and the targets are selected in relation to the user [COL 17 Matching Buyers and Sellers is exemplary]. In more

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particular, see the variety of target sources used as examples at COL 10 line 29 and after.

As to **claim 1**, Herz repeatedly provides the choice of Internet and intranet. The former generally requires a Web browser; the latter may not. Virtually any database is managed by a DBMS, is indexed, and is searched with an appropriate search engine. In the case of a local database, a browser is not required.

The other elements of **claims 2-6** are rejected in the analysis above with respect to claims 1 and 7 and these claims are rejected on that basis.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER